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Attorneys for Defendant  
**ILLINOIS TOOL WORKS INC.**

**IN THE UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

MARY TOLLIVER, as heir to and  
representative of the ESTATE OF JOHNNY  
TOLLIVER, SR.; JOHNNY TOLLIVER, JR.  
as surviving child of JOHNNY TOLLIVER,  
SR.,

Plaintiffs,

vs.

CRANE CARRIER, et al.,

Defendants.

Case No.: 4:18-cv-01078-KAW

Assigned to:  
*Hon. Kandis A. Westmore*

STIPULATION AND ~~PROPOSED~~ ORDER  
RELATING AND CONSOLIDATING CASES  
FOR ALL PURPOSES

Complaint Filed: December 12, 2017  
Date Removed: February 20, 2018  
Trial Date: Not Set

This Stipulation is entered into by and among the Plaintiffs and Nominal Defendants, MARY TOLLIVER, as heir to and representative of the ESTATE OF JOHNNY TOLLIVER, SR.; JOHNNY TOLLIVER, JR. as surviving child of JOHNNY TOLLIVER, SR; and ISAAC ISRAEL TOLLIVER, as surviving child of JOHNNY TOLLIVER, SR., by and through his mother and Guardian, ARIE CROCKETT ("Plaintiffs"), and Defendant, ILLINOIS TOOL WORKS INC. ("ITW"), answering party on behalf of named defendants Illinois Tool Works, Inc. and Crane Carrier, by and through their respective counsel;

*Whereas*, the *Mary Tolliver* matter was filed on December 12, 2017 in Alameda County Superior Court, California;

*Whereas*, the *Isaac Israel Tolliver* matter was filed on December 12, 2017 in Alameda

County Superior Court, California;

*Whereas*, both matters were removed to federal court on February 20, 2018;

*Whereas*, the *Mary Tolliver* matter is currently pending before Magistrate Judge Kandis A. Westmore;

*Whereas*, the *Isaac Israel Tolliver* matter is currently pending before District Judge Sandra Brown Armstrong;

*Whereas*, counsel for Plaintiffs and ITW have conferred, and the parties are in agreement that the *Isaac Israel Tolliver* matter should be consolidated with the *Mary Tolliver* matter for all purposes as the cases involve similar plaintiffs, similar complaints, common questions of law or fact, and because consolidation would advance the interests of judicial economy;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for Plaintiffs and ITW, that:

1. The following actions are related cases within the meaning of Civil Local Rule 3-12(a)

*a. Isaac Israel Tolliver, as surviving child of Johnny Tolliver, Sr., by and through his mother and Guardian, Arie Crockett v. Crane Carrier Company, et al.; Case No. 4:18-cv-01091-SBA*

*b. Mary Tolliver, as heir to and representative of the Estate of Johnny Tolliver, Sr., Johnny Tolliver, Jr., as surviving child of Johnny Tolliver, Sr. v. Crane Carrier, et al.; Case No. 4:18-cv-01078-KAW*

2. Pursuant to Federal Rule of Civil Procedure 42(a), the above-referenced cases are hereby consolidated for all purposes into one action.

3. These actions shall be referred to herein as the “Consolidated Action.” The Lead Docket and Lead File for the Consolidated Action shall be the *Mary Tolliver* matter, Case No. 4:18-cv-01078 (KAW).

4. Every pleading in the Consolidated Action shall bear the caption and case number for the *Mary Tolliver* matter.

5. Counsel will file an Amended Complaint in the Consolidated Action to plead in all wrongful death heirs as either Plaintiffs or Nominal Defendants.

6. All Counsel consent to proceed before Magistrate Judge Kandis A. Westmore in the Consolidated Action.

Dated: May 16, 2018

**THE VEEN FIRM, P.C.**



Elinor Leary, Esq.  
David Winnett, Esq.,  
Attorneys for Plaintiffs,  
MARY TOLLIVER,  
and JOHNNY TOLLIVER, JR.

Dated: May 17, 2018

**MANNING GROSS + MASSENBURG, LLP**

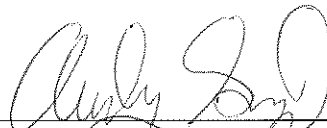


Brent Karlen, Esq.  
Emily Westfall, Esq.,  
Attorneys for Defendant,  
ILLINOIS TOOL WORKS INC.

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Dated: May 16, 2018

**THE CARTWRIGHT LAW FIRM, INC.**




Robert E. Cartwright, Jr., Esq.  
Audrey Siegel, Esq.  
Attorneys for Plaintiff,  
ISAAC ISRAEL TOLLIVER,  
by and through his mother and  
Guardian, ARIE CROCKETT

**[PROPOSED] ORDER**

The above stipulation having been considered and good cause appearing therefore,  
**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 5/31/18

  
The Honorable Kandis A. Westmore  
MAGISTRATE JUDGE